

UNAPPROVED

**VIRGINIA BOARD OF AUDIOLOGY AND SPEECH-LANGUAGE
PATHOLOGY
INFORMAL CONFERENCE COMMITTEE
MINUTES**

The Virginia Board of Audiology Speech-Language Pathology Special Conference Committee convened for informal conferences on Thursday, July 12, 2007 at the Department of Health Professions, 6603 West Broad Street, 5th Floor, Conference Room #1, Richmond, Virginia.

COMMITTEE MEMBERS PRESENT:

Susan G. Chadwick, Au.D, Char
Angela W. Moss, MA, SLP

DHP STAFF PRESENT:

Lisa R. Hahn, Executive Director
Mykl D. Egan, Adjudication Specialist
Rashaun K. Minor, Discipline Operations Manager

MATTER SCHEDULED

Respondent: Tara Moran Fernandez, Speech Language Pathologist Applicant
Case Number: 113091

CALLED TO ORDER

Dr. Chadwick called the conference to order at 9:50 a.m.

DISCUSSION

Ms. Fernandez appeared before the Committee in person in accordance with the Notice of the Board dated June 12, 2007.

The Committee fully discussed the process for licensure as a speech-language pathologist as outlined in the Notice with Ms. Fernandez; specifically Ms. Fernandez must demonstrate she has met the requirements of 18 VAC 30-20-170 of the Regulations Governing the Practice of Audiology and Speech-Language Pathology ("Regulations") for licensure.

CLOSED SESSION

Upon a motion by Ms. Moss and duly seconded by Dr. Chadwick, the Committee convened a closed meeting pursuant to §2.2-3711.A (28) of the *Code of Virginia*, for the purpose of deliberation to reach a decision in the matter of Ms. Fernandez. Additionally, Ms. Moss moved that Ms. Hahn, Mr. Egan, and Ms. Minor attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Committee in its deliberations. The vote was unanimous and in favor of the motion.

OPEN SESSION

Ms. Moss certified that the matters discussed in the preceding closed session met the requirements of §2.2-3712 of the *Code of Virginia* and the Committee re-convened in open session.

DECISION

Ms. Egan read the Findings of Fact and Conclusions of Law adopted by the Committee. A summary of the Findings of Fact and Conclusions of Law are as follows:

1. Ms. Tara M. Fernandez application for licensure to practice as a speech language pathologist in the Commonwealth of Virginia was received in the board office November 20, 2006.
2. Ms. Fernandez failed to meet 18 VAC 30-20-170 of the Regulations Governing the Practice of Audiology and Speech-Language Pathology ("Regulations") in that she has not has been actively engaged in the profession. Ms. Fernandez has not practiced as a Speech Language Pathologist since March 1999.

The Committee **DENIED** Ms. Fernandez application for licensure to practice as a speech language pathologist at this time.

The Committee suggested that Ms. Fernandez consider obtaining endorsement from the Department of Education and pursue employment in the public school system to acquire her full time work experience in the field of speech-language pathology and comply with the regulations' continuing competency hours for a full and unrestricted license.

Upon a motion by Ms. Moss and duly seconded by Dr. Chadwick, the decision of the Committee was adopted. The vote was unanimous in favor of the motion.

ADJOURNMENT

The Committee adjourned the matter at 11:00 a.m.

As provided by law this decision shall become a Final Order thirty (30) days after service of such Order on Ms. Fernandez, unless written request to the Board for a formal hearing from Ms. Fernandez within such time. If service of the Order is made by mail three (3) additional days shall be added to that period. Upon such timely request for a formal hearing, the decision of the Special Conference Committee shall be vacated.

MATTER SCHEDULED

Respondent: Kimbrough Kokernot Tucker, Speech Language Pathologist (SLP)
Case Number: 104829

CALLED TO ORDER

Dr. Chadwick called the conference to order at 11:05 a.m.

DISCUSSION

Ms. Tucker appeared before the Committee in person in accordance with the Notice of the Board dated May 10, 2007. Ms. Tucker was not represented by counsel.

The Committee fully discussed the allegations as outlined in the Notice with Ms. Tucker, specifically that she may have:

1. During the course of her employment as a speech-language pathologist at Westminster Canterbury, Lynchburg, Virginia, through MJ Care, Inc., Yorktown, Virginia, from January to July 29, 2005, violated 18 VAC 30-20-280(5) of the Regulations Governing the Practice of Audiology and Speech-Language Pathology ("Regulations") in that she failed to document treatments for 32 of 33 patients. She was counseled and required to complete the documentation for each patient. She failed to do so. As a result, her employment was terminated.
2. During the course of her employment as a speech-language pathologist at Centra Health Systems, Lynchburg, Virginia:
 - a. She may have violated 18 VAC 30-20-280(5) of the Regulations in that:
 - i. She was counseled for performing Modified Barium Swallows on patients on November 2 and 10, 2005, without a

competent Speech Pathologist present.

- ii. She failed to adequately document her treatment of patients in September 2005.
- b. She may have violated 18 VAC 30-20-280(5), (13) and (14) of the Regulations in that after her license expired on December 31, 2005, she worked on January 2 and 3, 2006, without a valid license. When asked about your license, she stated that she had renewed it. When it was discovered that she had not, she was suspended and then terminated from her employment.

CLOSED SESSION

Upon a motion by Ms. Moss and duly seconded by Dr. Chadwick, the Committee convened a closed meeting pursuant to §2.2-3711.A (28) of the *Code of Virginia*, for the purpose of deliberation to reach a decision in the matter of Ms. Tucker. Additionally, Ms. Moss moved that Ms. Hahn, Mr. Egan, and Ms. Minor attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Committee its deliberations. The vote was unanimous and in favor of the motion.

OPEN SESSION

Ms. Moss certified that the matters discussed in the preceding closed session met the requirements of §2.2-3712 of the *Code of Virginia* and the Committee re-convened in open session.

DECISION

Ms. Egan read the Findings of Fact and Conclusions of Law adopted by the Committee. A summary of the Findings of Fact and Conclusions of Law are as follows:

1. Kimbrough K. Tucker, S.L.P., holds license no. 2202-002339, issued by the Virginia Board of Audiology and Speech-Language Pathology.
2. During the course of her employment as a speech-language pathologist at Westminster Canterbury, Lynchburg, Virginia, through MJ Care, Inc., Yorktown, Virginia, from January to July 29, 2005, Ms. Tucker violated 18 VAC 30-20-280(5) of the Regulations Governing the Practice of Audiology and Speech-Language Pathology ("Regulations") in that she failed to document treatments for 32 of 33 patients. Ms. Tucker was counseled and required to complete the documentation for each patient. She failed to do so. As a result, her employment was terminated.

3. During the course of her employment as a speech-language pathologist at Centra Health Systems, Lynchburg, Virginia:
 - a. Ms. Tucker violated 18 VAC 30-20-280(5) of the Regulations in that:
 - i) She was counseled for performing Modified Barium Swallows on patients on November 2 and 10, 2005, without a competent Speech Pathologist present.
 - ii) She failed to adequately document her treatment of patients in September 2005.
 - b. Ms. Tucker violated 18 VAC 30-20-280(5), (13) and (14) of the Regulations in that after her license expired on December 31, 2005, she worked on January 2 and 3, 2006, without a valid license. When asked about her license, Ms. Tucker stated that she had renewed it. When it was discovered that she had not, she was suspended and then terminated from her employment.

The Committee offered Ms. Tucker a Consent Order to **VOLUNTARY SURRENDER for INDEFINITE SUSPENSION** of her license to practice Speech-Language Pathology in the Commonwealth of Virginia.

At such time as Ms. Tucker will petition the Board for reinstatement of her license, an administrative proceeding will be convened to determine whether she is capable of resuming the safe and competent practice of Speech Language Pathology. Ms. Tucker will be responsible for any fees required for the reinstatement and renewal of the license prior to issuance of the license to resume practice.

Pursuant to §§ 2.2-4023 and 54.1-2400.2 of the Code, the signed original of the Consent Order shall remain in the custody of the Department of Health Professions as public record and shall be made available for public inspection or copying on request.

Upon a motion by Ms. Moss and duly seconded by Dr. Chadwick, the decision of the Committee was adopted. The vote was unanimous in favor of the motion.

ADJOURNMENT

The Committee adjourned at 12:00 p.m.

As provided by law this decision shall become a Final Order thirty (30) days after services of such Order on Ms. Tucker, unless written request to the Board for a formal hearing on the allegations made against her is received from Ms. Tucker within such time. If service of the Order is made by mail three (3) additional days shall be added to

that period. Upon such timely request for a formal hearing, the decision of the Special Conference Committee shall be vacated.

Susan G. Chadwick, Au.D, Chair

Lisa R. Hahn, Executive Director

Date

Date

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